

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOSHUA ADAM SCHULTE,

Defendant.

-----X
:
:
:
:
:
:
:
:
:
:
:
-----X

17-CR-548 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

As discussed on the record during the conference held on April 13, 2022:

- Defendant's motion at ECF No. 752, Item E, is deemed made and denied. Defendant's requests at Items F, H.1, H.2, K, and N are denied and/or moot. With respect to Item L, the Government is to confirm that audio of Defendant's conversation with BOP officials, referred to in ECF Nos. 732-1 and 736, does not exist, and file a letter with the Court so stating. With respect to Item M, standby counsel and the Government shall discuss a process to permit standby counsel to obtain trial demonstratives saved on Defendant's laptop.
- With respect to the incident described in Defendant's letter at ECF No. 759, Defendant's request to order MDC to move the printer is denied. The Government shall obtain a report on what occurred, and what steps are being taken to prevent the incident from reoccurring, from Irene Chan of the MDC, and shall file a letter with the Court by **April 20, 2022**.
- Defendant's requests in ECF No. 763 were addressed on the record.
- Defendant's motion at ECF No. 764 is granted in part. Because Defendant is not asserting an advice-of-counsel defense, he is not required to produce the documents set forth in the Court's Order at ECF No. 248. The Court reserves judgment on whether the proposed testimony Defendant describes in his letter would be admissible at trial.
- The Court has spoken with the U.S. Marshal for this District and understands that he has made the following arrangements: (1) Defendant will be produced to the SCIF on April 20, 2022, in addition to his usual days next week; (2) Defendant will have access to the SCIF from 3:00-6:00 p.m. Monday through Thursday during trial, beginning June 14; and (3) Defendant will be produced to the courthouse for the pretrial conference on May 18, 2022, after

his social call.

Finally, the following dates and deadlines apply to this case (and supersede the schedule in any prior Order of the Court):

Thursday, April 14, 2022	<u>By 5:00 p.m.</u> , parties to confer and submit a joint proposal with respect to the submission of expert affidavits regarding Defendant's access to the forensic crime scene
Friday, April 15, 2022	Defendant to file any reply in support of his motion to suppress the document discussed in ECF Nos. 695 and 708, not to exceed 7 pages CISO and CIA Wall Counsel to inform standby counsel when the first production related to CIA witnesses will be made Government to file, as classified if necessary, a response to the Court's question regarding the existence of "the actual polygraph test results (i.e. the logged heartrate, oxygen, and other readings), along with the polygrapher's written notes and ultimate determination," ECF No. 765 at 52
Wednesday, April 20, 2022	Government to file letter regarding the incident described in ECF No. 759 Defendant to file supplemental notice of one additional expert witness, if necessary
Friday, April 22, 2022	Parties to file motions <i>in limine</i> and requests to charge Defendant and standby counsel to file any request for relief related to the Government's newly produced discovery
Monday, April 25, 2022	Defendant to file any responses to the Government's CIPA Section 6(a) motions
Tuesday, May 3, 2022	Sealed hearing to address CIPA Section 6 matters at 9:00 a.m.
Friday, May 13, 2022	Parties to file any responses to motions <i>in limine</i> and requests to charge. (No replies absent prior leave of the Court.) Government to provide proposed trial exhibits and material pursuant to 18 U.S.C. § 3500 Defendant to provide witness statements pursuant to Rule 26.2 Parties to file pre-conference letters addressing whether a status conference is necessary and raising any issues they wish to discuss

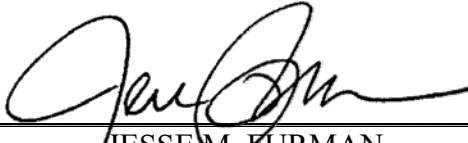
Wednesday, May 18, 2022	Status Conference at 3:00 p.m.
Friday, June 3, 2022	Final Pretrial Conference at 10:00 a.m.
Tuesday, June 14, 2022	Trial begins

Finally, the parties are reminded that for any document submitted for classification review (1) if the classification authority is unable to meet the deadlines for review set out in the Amended Protective Order, *see* ECF No. 739 ¶ 25, the Government must seek an extension of the deadline from the Court before the deadline has passed; and (2) the party that submitted the document must file the unclassified version on the docket within three days of receiving it from the CISO or classification authority.

The Clerk of Court is directed to terminate ECF Nos. 763, 764, and 722 (which was erroneously left open and is now moot).

SO ORDERED.

Dated: April 14, 2022
New York, New York



JESSE M. FURMAN
United States District Judge